THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.17422 OF 1994

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action of the respondents in acquiring 1,400 square metres of land at Baghlingampalli in Mushirabad Mandal, Hyderabad as null and void. The petitioner alternatively prays for a direction to the respondents to handover physical possession of the land. When the writ petition is pending before this Court, the petitioner died and petitioners 2 and 3 were brought on record as legal representatives by reason of the orders passed by this Court in W.P.M.P.No.3547 of 1996, dated 19.03.1996. When the matter was pending, one Pranav Kumar also claimed to be a successor to the property and his application for impleading the proceedings being W.P.M.P.No.15418 of 2001 was also ordered by this Court on 30.06.2004, impleading Sri Pranav Kumar as party respondent No.6.

The petition allegations may be noticed in brief. The land in Survey Nos. 63 and 64 originally belong to petitioner's maternal grandfather, late Balaram Singh Pantulu. The property was allegedly bequeathed to the petitioner in 1982. After the death of his maternal grandfather on **28.10.1982**, the petitioner took possession of the property and cultivating the same by raising para grass and fruit bearing trees like thirty six coconut trees, one mango tree, two jamun trees, two gulmohar trees, and two subabul trees and getting a monthly income of Rs.2,000/- (Rupees two thousand only) from out of the land. So as to construct a high level causeway across Musi River near Chaderghat, the respondents approached the petitioner to give his consent for advance possession as the causeway was to be constructed partly in the land, allegedly belonging to the petitioner. Petitioner gave consent on 17.05.1993 and causeway was constructed. It is alleged that in spite of request and legal notice, compensation was not paid for the land, which was taken possession admeasuring 1,400 square metres (1,700 square yards), the land value is Rs.2,500/- (Rupees two thousand and five hundred only) per square yard besides the compensation for the fruit bearing trees, therefore the present writ petition is filed.

It is a case of the sixth respondent (subsequently impleaded) that Tuljaram Singh, who originally filed a writ petition is elder brother of sixth respondent's father, that Balaram Singh, who is original owner died leaving behind him Smt.Badi Bai as lone legal heir, who is none other than paternal grand mother of the sixth respondent, that brother of the sixth respondent also participated in the proceedings under Urban Land (Ceiling and Regulation) Act, 1976 that the children of the original petitioner as well as father of six respondent are entitled to a share in the compensation for the land acquired. The writ petitioners have filed a detailed counter affidavit in W.P.M.P.No.15418 of 2001 (application for impleadment) denying the right of sixth

respondent.

The respondent No.3-cum-Special Deputy Collector, Land Acquisition (General); filed counter affidavit on behalf of respondents 2 and 3, which is to the following effect. The fifth respondent placed request for acquisition of lands in Survey Nos.62, 63 and 64 of Lingampally village, Mushirabad Mandal, Hyderabad. The survey staff inspected the land and reported that the land admeasuring 856 square metres in T.S.No.4/part (old Survey No.63), land admeasuring 224 square metres in T.S.No.7/part (old Survey No.62) is affected by the proposed acquisition. Even before notification under Section 4(1) of the Land Acquisition Act, 1894 (for short, the Act) is issued, the writ petition is filed. The Deputy Tahsildar has also conducted Panchanama on 08.06.1993 and found that there are coconut, mango, jamun, sapota, gulmohar, badam, ramseetapal and babul trees in the land. The respondents have not taken advance possession of the requisitioned land and that the third respondent is not aware of the action taken by fifth respondent regarding taking advance possession of the land with alleged consent of the petitioner given on 17.05.1993. The land acquisition proceedings are not yet completed and the compensation would be paid as and when the market value is determined by the Land Acquisition Officer. It is also stated that after completing all statute formalities, the award will be passed as expeditiously as possible in due course of time.